



LIVINGSTON EMPLOYER BREEZE

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INCUMBENT WORKER TRAINING GRANT BY SUSAN HANKEN

Montana Department of Labor and Industry is currently funding an incumbent worker training grant pilot program designated for small businesses located in Region 4 that encompasses the counties of Big Horn, Carbon, Fergus, Golden Valley, Judith Basin, Musselshell, Park, Petroleum, Stillwater, Sweet Grass, Wheatland and Yellowstone. This pilot program is designed to help employers by funding training for existing full time employees that will directly and ultimately benefit the business. The grant funds up to \$2000.00 or less annually per full time employee.

The intent of the incumbent worker training funds is to meet the training needs of existing full time positions in businesses employing 20 or fewer workers at any one location in Region 4, but not more than 50 workers statewide. Full-time positions that are eligible must be predominantly year-round requiring an average of 35 hours per week of work. Businesses must be registered with the Secretary of State to conduct business in Montana as a sole proprietor, corporation, partnership, limited liability company, or association. A business has to have been in operation for a minimum of one year not including ownership of the business.

Businesses interested in receiving training grant funds are required to submit an application to the Business Expansion and Retention (BEAR) program recognized by the Governor's Office of Economic Development. The

BEAR program will review all applications and approve fund distribution according to guidelines laid out within the grant. The grant requires that the Employers match every \$4.00 of requested training funds with at least \$1.00 of employer funds that may include wages and benefits paid during the time that the training is taking place.

Types of training eligible for incumbent worker training program funds include training that has a direct relationship to the employee's occupation or craft, training needed to upgrade or add a skill or skills intended to allow the employer to remain competitive, training to upgrade or modify skills intended to enhance the employer's productivity, efficiency, or profitability, reduce employee turnover, or enhance employee wages, productivity and efficiency. Subject to availability of funds, BEAR may consider a higher limitation of funds beyond the \$2000.00 per full time employee maximum for those full time jobs that will pay significantly higher wages and benefits once training is completed if the need for higher training costs is documented.

So far in Park County, ten businesses have been approved by the BEAR program to receive training funds for their existing full time employees. There is approximately \$30,000.00 in incumbent worker training funds available to businesses that qualify for the funds by BEAR program review. The funds must be disbursed by the end of the fiscal year, on or before June 30, 2008. Another \$35,000.00 will be allocated to Park County on July 1, 2008. If the pilot incumbent worker training grant is successful, future funds may be allocated for Region 4 and the other four Regions in Montana following the next legislative session. If interested in submitting application for grant funds, contact Livingston Job Service by email: livingston-jsce@mt.gov or telephone: 222-0520 and ask for an application for the Incumbent Worker Training Grant.

From September 2007 information	MT	U.S.
Unemployment rate/Non-seasonally adjusted	2.1	4.5
Area Unemployment Rates	<u>2006</u>	<u>2007</u>
Gallatin	1.5	1.5
Meagher	3.0	3.5
Park	1.9	1.7
Sweet Grass	1.3	1.2



In our most recent newsletter, I wrote about the changes happening at Job Service and the fact that Jerri Miller, our long-time Business Advocate, retired. Of course, no one can replace Jerri, so we 'retired' her title much the way an athlete's number is retired.

Actually, that's a great way to start the story. The rest of the story is that as part of the reorganization of how Job Service and Workforce Services as a whole provide services in our community, we're re-creating the role of our Business Advocates across the state. It is my pleasure to congratulate and welcome Susan Hanken in her new position with us as the Business Resource Specialist.

Susan leapt in with both feet and hit the ground running! She'll continue our tradition of providing information and resources for all our Business Customers. Sue started at the Job Service as our Employment Assistant in 2001 and two years later was promoted to Employment Consultant. She is equally experienced at working with employers and job seekers, with a special emphasis on helping each one to make good, lasting employment connections with the other!

A resident of Livingston, she's active and involved in the community. In addition to her solid experience working in the Livingston Job Service, Susan has a background in education, including teaching English as a Second Language in France, as well as experience working with people from many diverse cultures and backgrounds.

I know you'll all join me in welcoming Sue in her new role! If you haven't met her yet, stop by sometime or look for her as she visits businesses in our communities.

PERSONNEL FILES: IF YOU HAVE IT, THEY'LL THINK YOU USED IT

The law on personnel files

Montana has no law requiring employers to keep personnel files or to provide copies of files to employees for former employees. The only law on personnel files comes from cases.

Some years ago, the Montana Supreme Court explained that employees have an expectation of privacy with their personnel files, application, and performance evaluations. Similarly, social security numbers and driver's license numbers are protected. What does that mean for Montana employers? It means that you must keep personnel files in a secure place, and access should be limited to those who really need to know what is in the file.

What should be in the file?

Personnel files are business records, and therefore, they should be consistent with business needs. If you don't need it, don't put it in the personnel file.

Files should contain application materials, offer letters, and employment agreements. If an employee signs for policies or handbooks, signature pages should be placed in the file.

Performance documentation should always be placed in the personnel file. That includes performance evaluations, disciplinary documents, and documents memorializing *official* awards or recognition. In short, anything that the employer uses to set terms and conditions of employment should be included.

Note that I-9 employment verification forms can be kept in the official personnel

file, but since an employer might have to produce them within three days if it's audited, it's probably a better idea to keep them separate and easily accessible should the government come calling.

What doesn't belong?

"File junk" doesn't belong in the personnel file. Under that heading we would include unofficial awards and recognition, letters from customers unless you are going to use those letters in evaluating the employees, and personal notes and cards. If information like that comes your way, the best practice is to give it to the employee for her own personal use. If you wouldn't use it in making employment decisions, don't save it.

Health information

Health information should never be kept in the personnel file. It must be kept in a separate, locked confidential file. Health information might include applications for insurance if health questions are asked and would even include notes from a doctor excusing the employee from work. If supervisors get health information, they should send it immediately to HR for filing in the separate medical file.

Control of the file

We think the best policy is to have HR control personnel files as well as what goes into or is taken out of them. Supervisors should send any documentation on an employee to HR. Files should be kept locked in the HR department and reviewed by management on a need-to-know basis.

As noted above, there is no law that requires employers to allow current or former employees to review personnel files. We don't see any harm in allowing review, but it should be done where the employee is observed. That's because it isn't unheard of for people to put things into or to remove them from a file — or even to remove the file.

Desk files

Some supervisors like to keep their own files on employees. They generally aren't official personnel files but may include handwritten notes, attendance records, and the like. If supervisors do keep files, they should be kept locked, documents should be dated, and once the information is incorporated into a performance evaluation or a disciplinary action, notes should be either destroyed or sent to HR. The files shouldn't be allowed to accumulate for years and years. They should merely serve as reminders to the supervisor of issues that need to be discussed with the employee at the next formal opportunity.

Bottom line

Personnel files should be neat, organized and uniform, and limited to information used in making employment decisions.

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Disability Navigator Program Starts in Montana

By Gail Habener



In October 2002 the Department of Labor (DOL) and Social Security Administration (SSA) announced a partnership to establish and evaluate a new Disability Program Navigator (DPN) or "Navigator" position within the Department of Labor & Industries [One-Stop Career Centers](#). The "Navigator" will conduct outreach to the disability community and organizations that serve them, provide expertise and information on SSA work incentives and employment support programs, provide assistance on navigating through the variety of programs and services that impact their employment (e.g., transportation, housing, health care, etc.) and serve as a resource to other One-Stop Center staff.

The Disability Program Navigator Initiative – Employment & Training Administration and Social Security Administration are jointly funding the Disability Navigator Program initiative in 45 states, the District of Columbia, and Puerto Rico where SSA implemented employment support initiatives. This Initiative promotes comprehensive services and work incentive information for SSA beneficiaries and other people with disabilities, through the One Stop system. The Initiative focuses on developing new and ongoing partnerships to achieve seamless, comprehensive, and integrated access to services, creating systemic change, and expanding the workforce development system's capacity to serve customers with

disabilities and employers.

The Disabilities Program develops and implements workforce disability policy and program initiatives to address structural, programmatic, and systemic employment barriers for people with disabilities. The Disabilities Program supports the New Freedom Initiative to improve career and employment outcomes for people with disabilities through:

1) inter-and intra-agency collaborations and partnerships; 2) demand-driven initiatives responding to employers' recruitment and retention needs; 3) training and technical assistance; 4) legislative and regulatory, policy, and operations analysis; and 5) other activities that lead to systemic improvement. The Disabilities Program's goal is to provide the greatest opportunity for job seekers and employees with disabilities to achieve employment and economic self-sufficiency through the One Stop Career Center system by utilizing the principles of self-determination, informed choice, integration, and inclusion.

The Montana Disability Navigator Program launched this October and Montana will have 10 Navigator's serving Montana out of our local Job Service Workforce One-Stop Career Centers. Your local Navigator is Gail Habener located in the Livingston Job Service.

FILLING HOLES

Sam, a supervisor, was dumbfounded as he watched Bill diligently dig holes while Chuck, after waiting a short interval, filled them. When Sam demanded an explanation, Bill was indignant: "We've been doing this job for more than 10 years. What's your problem?"

"Are you telling me that for 10 years you've been digging and filling empty holes?" Sam replied.

"Well, not exactly," Bill said. "Until a few months ago, another fellow put a bush in the hole before Chuck filled it in. But he retired and was never replaced."

"Why didn't you tell somebody?" Sam sputtered. "My gosh," Bill answered. "You're management. We figured you knew."

While management is ultimately to blame when employees systematically waste time and money in thoughtless unproductive activity, we can't let Bill and Chuck off the hook. Sure, it's easy to hide behind the assumption that the stupidity of management has no bounds, but responsibility is a personal burden everyone carries.

Too many organizations are weighed down by practices equivalent to digging and filling holes because too many workers and managers engage in or ignore inefficient and ineffective activities.

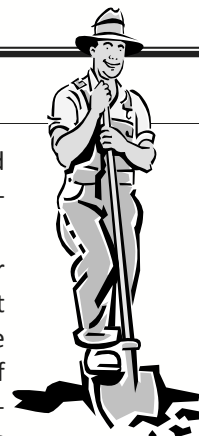
Whether unaccountability is fed by laziness, ignorance, or fear, employees who surrender to the negative momentum of the workplace not only demean the value of their work, but they in-

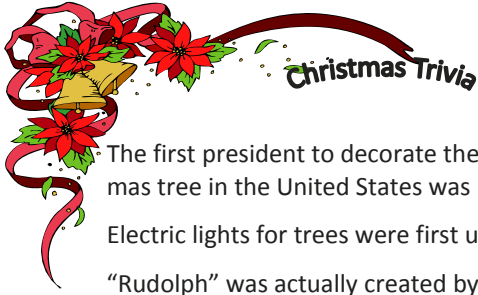
crease the likelihood that they will someday be out of work.

We can avoid our responsibilities, but we can't avoid the consequences of avoiding our responsibilities. All of us are accountable for what we allow as well as what we do. If we want to make our lives more meaningful we should ensure our work is meaningful.

This is Michael Josephson reminding you that Character Counts.

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The first president to decorate the white house Christmas tree in the United States was Franklin Pierce.

Electric lights for trees were first used in 1895.

"Rudolph" was actually created by Montgomery Wards in the late 1930's for a holiday promotion. The rest is history.

"Jingle Bells" was first written for Thanksgiving and then became one of the most popular Christmas songs.

If you received all the gifts in the song "The Twelve Days of Christmas" you would receive 364 presents.

The poinsettia plant was brought into the United States from Mexico by Joel Poinsett in the early 1800's.

The first state to recognize the Christmas holiday officially was Alabama.

Christmas became a national holiday in America on June 26, 1870.

In 1843, "A Christmas Carol" was written by Charles Dickens in just six weeks.



Elizabeth Anderson, Case Manager

Zanya Betley, AES Case Manager

Gail Habener, Case Manager

Susan Hanken, Business Resource Specialist

Jean Modesette, Emp. Consultant

Skip Shiver, Emp. Consultant

Joyce Heiser, Office Manager

Tom Frisby, Regional Director



PRESORTED STANDARD

Livingston Job Service
220 East Park Street
Livingston, MT 59047

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

\$5.85 PER HOUR

BEGINNING JULY 24, 2007

\$6.55 PER HOUR

BEGINNING JULY 24, 2008

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

OVERTIME PAY

At least $1\frac{1}{2}$ times your regular rate of pay for all hours worked over 40 in a workweek.

YOUTH EMPLOYMENT

An employee must be at least **16** years old to work in most non-farm jobs and at least **18** to work in non-farm jobs declared hazardous by the Secretary of Labor.

Youths **14** and **15** years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

No more than

- **3** hours on a school day or **18** hours in a school week;
- **8** hours on a non-school day or **40** hours in a non-school week.

Also, work may not begin before **7 a.m.** or end after **7 p.m.**, except from June 1 through Labor Day, when evening hours are extended to **9 p.m.** Different rules apply in agricultural employment. For more information, visit the YouthRules! Web site at www.youthrules.dol.gov.

TIP CREDIT

Employers of "tipped employees" must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

ENFORCEMENT

The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Civil money penalties of up to \$11,000 per violation may be assessed against employers who violate the youth employment provisions of the law and up to \$1,100 per violation against employers who willfully or repeatedly violate the minimum wage or overtime pay provisions. This law prohibits discriminating against or discharging workers who file a complaint or participate in any proceedings under the Act.

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



For additional information:

1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

MONTANA DEPARTMENT OF LABOR & INDUSTRY WAGE & HOUR UNIT

STATE MINIMUM WAGE

(Current)	(Effective 1/1/2008)	(Effective 7/24/2008)
\$6.15	\$6.25	\$6.55*

*The minimum wage is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September 30th of each year. Montana's minimum wage is to be the greater of the federal or current state minimum wage. Effective July 24, 2008, Montana's minimum wage will increase to \$6.55 per hour, based on the federal minimum wage increase.

Exception: A business not covered by the Fair Labor Standards Act whose gross annual sales are \$110,000 or less may pay \$4.00 per hour, however, if an individual employee is producing or moving goods between states or otherwise covered by the Fair Labor Standards Act, that employee must be paid the greater of either the federal minimum wage or Montana's minimum wage.

NO TIP CREDIT, TRAINING WAGE OR MEAL CREDIT IS ALLOWED IN THE STATE OF MONTANA

OVERTIME PAY

Employees who work in excess of 40 hours in a workweek must receive overtime compensation at a rate of at least 1 ½ times their regular hourly rate for those hours worked over 40. There are exclusions from overtime pay. This information can be obtained by calling the Wage & Hour Unit at (406) 444-5600.

PAYMENT OF WAGES

WHILE STILL EMPLOYED: An employee must be paid within 10 business days after the end of the pay period.

WHEN SEPARATED FROM EMPLOYMENT: When an employee quits, wages are due on the next scheduled pay day for the period in which the employee was separated, or 15 calendar days, whichever occurs first.

TERMINATED FOR CAUSE: When an employee is laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 calendar days, whichever occurs first.

FOR ADDITIONAL INFORMATION PLEASE CONTACT:

DEPARTMENT OF LABOR & INDUSTRY
LABOR STANDARDS BUREAU
WAGE & HOUR UNIT
PO BOX 6518
HELENA MT 59604-6518
PHONE (406) 444-5600

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The Livingston JSEC presents Greg Kohn from the Avitus Group, an intergrated business resource that offers flexible, customized and innovative solutions to human resource management issues that are designed to improve productivity and increase profits for your company.

Date: 01/29/08
Time: 3:00 pm—5:00 pm
Registration: \$30.00

Northern Pacific Beanery
108 West Park Street
Livingston, MT 59047

Contact person: 406-222-0520
Or Sue Hanken : 406-222-8907

Sponsored by:



*Snacks and beverages will be
provided*

The Livingston Job Service Employer's Committee